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July 7, 2006

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington D.C. 20554

Attn: Shaun Maher, Esq.

Re: MB Docket No. 03-15
West Virginia Media Holdings, LLC (FRN 0005921689)
WBOY-DT, Clarksburg, WV (Fac. ID 71220) (BMPCDT-20041123ALS)
Request for Waiver of Replication/Interference Protection Deadline

Dear Ms. Dortch

On behalf of West Virginia Media Holdings, LLC ("WVMH"), the licensee of WBOY-TV, Channel 12, Clarksburg, WV, and permittee of WBOY-DT, Channel 52, Clarksburg, WV, the purpose of this submission is to request waiver of the "use-it-or-lose-it" deadline for replication interference protection set forth at paragraph 78 of the Commission's *Second Periodic Review*, 19 FCC Rcd 18 (2004). The instant request is submitted pursuant to the *FCC Public Notice, "Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline,"* DA 06-1255 (released June 14, 2006)(" *June 14, 2006 Public Notice*"), as extended by *FCC Public Notice, "Media Bureau Extends Filing Deadline for Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline to July 7, 2006,"* DA 06-1372 (released June 29, 2006) ("*June 29, 2006 Public Notice*").

As discussed below, absent waiver, WBOY-DT would be subject to that portion of Paragraph 78, as extended by the *June 29, 2006 Public Notice*, establishing a July 7, 2006 deadline for stations in markets below the Top 100 that have received a tentative DTV channel designation *on a*

channel that is not their current DTV channel, to construct DTV facilities that serve at least 80% of the number of viewers served by the station's NTSC facility in 1997 ("replication").

WBOY-DT received a tentative DTV channel designation on a channel that is not its current DTV channel. Specifically, WBOY-DT received a tentative DTV channel designation on its current NTSC channel, VHF Channel 12,[1] but UHF Channel 52 is the channel currently authorized for WBOY-DT by construction permit ("CP")[2] and Special Temporary Authority ("STA")[3]. WBOY-DT specified replication in its Form 381.[4] WBOY-DT is in a DMA below the Top 100 markets.

In support hereof, the following is respectfully shown:

WBOY-DT is authorized by CP to side-mount its digital antenna on the WBOY-TV tower at 164.7 m AGL/249.8 m HAAT, just below the non-directional WBOY-TV analog antenna, which is top-mounted at 176.9 m AGL/262 m HAAT. Since commencing digital operation in 2002 pursuant to STA, WBOY-DT has operated with facilities that fully-serve Clarksburg, its community of license, using an antenna side-mounted at 162.1 m AGL/247.2 HAAT.[5]

The Engineering Statement of Cohen, Dippell and Everist, P.C. attached hereto discusses technical constraints which prevent WBOY-DT from accomplishing replication at this time. WBOY-DT seeks to preserve its interference protection and its right to replicate, notwithstanding the detailed technical constraints. The *June 14, 2006 Public Notice* set forth five factors to be addressed in requests for waiver of the otherwise applicable replication interference protection deadline. Each of these factors are addressed below:

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[1] *FCC Public Notice, "DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections"*, DA 05-2743 (released June 23, 2005) at Attachment I, page 30.

[2] BMPCDT-20041123ALS.

[3] BDSTA-20021022ABK (granted October 31, 2002) and extended on May 14, 2003 (BEDSTA-20030428AFG), December 9, 2003 (BEDSTA-20031112AJS), June 25, 2004 (BEDSTA-20040607AGA), January 13, 2005 (BEDSTA-20041216AEY), August 11, 2005 (BEDSTA-20050706ACS) and April 13, 2006 (BEDSTA-20060209AFE). In accordance with the *June 14, 2006 Public Notice*, WBOY-DT has filed a request for extension of STA beyond the currently specified July 1, 2006 expiration date.

[4] BCEDCT-20041105AHI

(1) How close to full replication/maximization the licensee will be as of the deadline.

The Commission's "Table of Station Assignment and Service Information" dated December 21, 2004 shows the "replication" population for WBOY-DT as 525,523. Therefore, coverage of 420,418 persons would be required to achieve the 80% benchmark. The WBOY-DT STA facilities are calculated to cover 236,796 persons, which replicates 45.1% of 1997 population covered.

(2) The reason the licensee is unable to comply fully.

The WBOY-DT CP authorizes the WBOY-DT antenna to be side-mounted just below the currently top-mounted WBOY tower. The attached Engineering Statement notes that there are questions as to whether the WBOY tower would be structurally adequate to support both the presently top-mounted VHF Dielectric TW-7B12-R VHF antenna used for the NTSC operation of WBOY-TV and the Dielectric TLP-2H(C) UHF antenna specified in the WBOY-DT CP under the iced conditions that typically exist at the antenna site for a significant portion of the year. The Dielectric TLP-2H(C) UHF antenna specified in the WBOY-DT CP is larger and heavier than the Scala SL-8 UHF antenna used by WBOY-DT for its DTV STA operation. An alternative was considered, to seek authorization to move the WBOY-DT operation to Channel 12 for operation through the top-mounted antenna prior to the transition deadline. That alternative would require relocating the WBOY-TV analog operation, from a top-mounted VHF antenna on Channel 12, to a side-mounted UHF antenna for operation on Channel 52, so that WBOY-DT could commence full DTV operation through the VHF antenna on its tentatively designated DTV channel, Channel 12. As noted in the Engineering Statement, the aforementioned swap of channels and antennas, assuming analog operation of WBOY-TV at 1000 kW, would result in a substantial reduction of the population currently within the analog station's Grade B contour. While it is the goal of WVMH to operate post-transition in the upper VHF band, the need to continue to maintain full operation of its existing NTSC service until such time must be recognized.

(3) The cost to the licensee and the impact on viewers if the licensee were required to comply fully.

Cost to licensee: In order to complete construction of the WBOY-DT CP facilities at this time, WVMH would have to replace the Channel 52 Scala SL-8 STA antenna used in the current STA operation of WBOY-DT with the larger and heavier UHF Dielectric TLP-24 H(C) antenna specified in the WBOY-DT CP, as well as replace the transmitter and transmission line, and possibly make structural modifications to take into account the impact of the heavier UHF antenna in iced conditions. Those additional expenses would significantly compound the stranded capital already invested in the antenna, transmitter and transmission line currently used in the temporary UHF STA operation of WBOY-DT.

Impact on viewers: As explained in the Engineering Statement, to switch the channels of the NTSC and DTV operations of WBOY at this time would result in a significant reduction in the number of persons within the Grade B contour of the analog operation of WBOY-TV. Such a result would be an extremely adverse impact in an area of West Virginia where analog sets presently greatly outnumber the number of digital sets in use, contrary to the public interest in continued availability of analog service through the transition deadline.

(4) Whether the licensee will be able to modify its operation to comply fully after analog operation terminates.

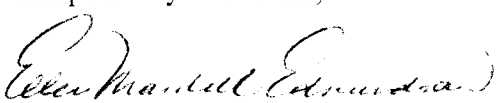
The licensee expects to be able to accomplish full DTV operation promptly after the analog operation of WBOY-TV terminates. The station has a tentatively designated VHF DTV channel, and plans to use the station's currently top-mounted VHF antenna for its digital operation (as well as the existing transmitter (with minor modification), transmission line and system). The VHF antenna will be at a higher tower position than the level at which a UHF antenna could be mounted at this time, and therefore will not face the technical and terrain constraints that limit DTV coverage from the current DTV antenna's lower position on the tower.

(5) Any other relevant factors.

Television station WBOY has served Clarksburg, West Virginia since 1957. Waiver of the so-called "use-it-or-lose-it" deadline is respectfully requested under the circumstances to ensure that, post-transition, current viewers that have come to rely on the service provided by WBOY-TV for nearly half a century will continue to receive the station.

Accordingly, it is respectfully requested that the Commission waive the replication deadline that would otherwise be applicable to WBOY-DT.

Respectfully submitted,



Ellen Mandell Edmundson

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Cc (LPF copy): Gary McNair (WBOY-TV)

ENGINEERING STATEMENT
TO ACCOMPANY WAIVER REQUEST
TO SEEK EXTENSION OF JULY 1, 2006
REPLICATION/MAXIMIZATION INTERFERENCE PROTECTION
WBOY-TV, CLARKSBURG, WEST VIRGINIA

JULY 2006

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

This engineering statement has been prepared on behalf of West Virginia Media Holdings, LLC, licensee of TV station WBOY-TV, Channel 12, Clarksburg, West Virginia, in support of its request for waiver of the July 7, 2006 (as extended) replication/maximization interference protection deadline established in paragraph 78 of the Second Periodic Review, 19 FCC Rcd 18269 (2004). Absent waiver, paragraph 78, as subsequently extended by FCC Public Notice dated June 29, 2006, would require WBOY-DT to replicate 80% of the population served by 1997 authorized WBOY NTSC facilities by the July 7, 2006 deadline.

Television station WBOY-TV has been in operation since November 17, 1957, providing a off-the-air VHF NTSC signal to the Clarksburg area. The NTSC facilities of WBOY-TV utilize a top-mounted antenna to operate on VHF Channel 12 with an ERP of 263 kW and 262 meters antenna height above average terrain ("HAAT") or 176.9 meters above ground.

WBOY-TV is authorized to construct DTV facilities (FCC File No. BMPCDT-20041123ALS) on Channel 52 with an ERP of 324 kW directional at a height of 249.8 meters above average terrain or 164.7 meters above ground. The authorized DTV facilities utilize a side-mounted antenna on the existing WBOY-TV tower .

Since 2002, WBOY-DT has operated pursuant to STA (FCC File No. BDSTA-20021022ABK, subsequently extended) on UHF Channel 52 with an ERP of 3.14 kW, from

a side-mounted antenna on the WBOY-TV tower at a height of 247.2 meters above average terrain or 162.1 meters above ground.

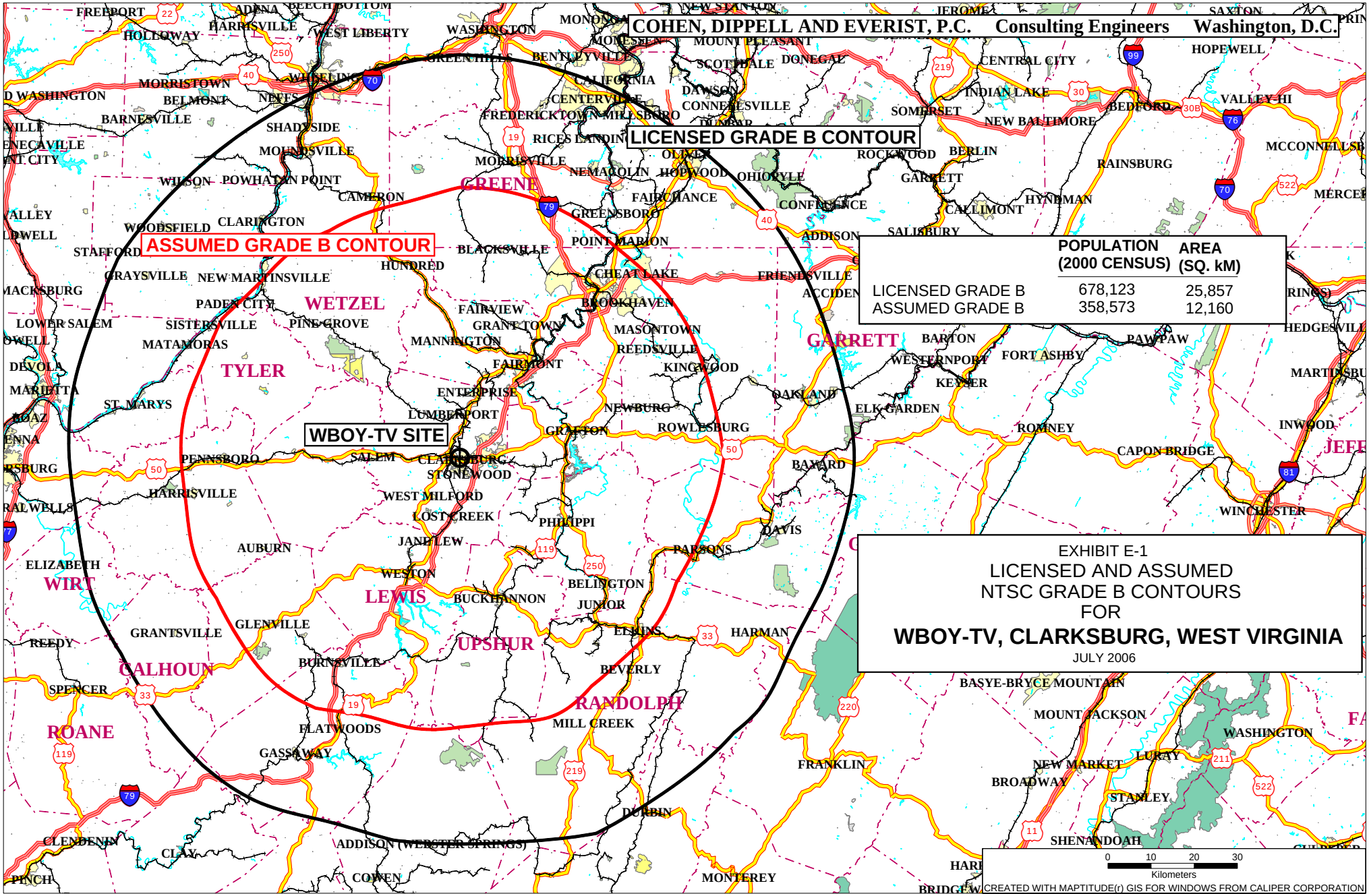
Station WBOY-TV is faced with the dilemma in transitioning with the ultimate goal of delivering comparable digital off-the-air signal while decomissioning the almost 50 year delivery of off-the-air signal VHF NTSC signal. The complication for station WBOY-TV is the practical requirement of achieving both robust NTSC and DTV signals from the existing WBOY-TV tower to serve the rugged terrain of West Virginia.

As indicated above, WBOY-TV is owned and operated by West Virginia Media Holdings ("WVMH"). WVMH is the owner of a small group of four television stations serving various West Virginia markets. Due to the extraordinary challenges presented by the rugged West Virginia terrain, WVMH elected, and received tentative DTV channel designations, on high VHF channels. UHF signals, due to the physics of radio frequency transmission, are inherently less efficient in the conversion of radio waves to the electrical signals used by the television receiver, and are subject to greater losses from environmental conditions such as rugged terrain, than VHF signals. Three of the four stations licensed to WVMH received tentative DTV channel designations on the stations' current NTSC channels in the VHF band, and it is the intention of WVMH to operate the stations' DTV service through the VHF antennas presently being used for NTSC operation.

If WBOY-DT were to be constructed at this time in accordance with the currently outstanding WBOY-DT construction permit, WBOY-TV would have to remove the side-mounted Scala SL-8 UHF DTV antenna presently used in the station's STA operation, and install at a slightly higher level on the WBOY-TV tower the larger and heavier Dielectric TLP-24 H(C) antenna to accomplish the higher power operation. There are questions as to whether the WBOY-TV tower would be structurally adequate to support both the presently top-mounted VHF Dielectric TW-7B12-R VHF antenna used for NTSC operation and the Dielectric TLP-24H(C) UHF antenna for DTV in the iced conditions that exist at the antenna site for a portion of the year.

If WBOY-TV were to revert to its DTV election and operate DTV Channel 12 using the top-mounted antenna prior to the transition deadline, the current NTSC analog operation of WBOY-TV would be changed to Channel 52. Assuming an ERP of 1000 kW using the side-mounted directional antenna currently used for DTV operation, Exhibit E-1 demonstrates that the resultant Grade B contour for Channel 52 analog operation would be substantially reduced.

While it is the goal of WVMH to operate post-transition in the upper VHF band, the need to continue to maintain its existing NTSC service until such time must be recognized.


COHEN, DIPPELL AND EVERIST, P.C. Consulting Engineers Washington, D.C.
LICENSED GRADE B CONTOUR
ASSUMED GRADE B CONTOUR
WBOY-TV SITE
POPULATION (2000 CENSUS)
AREA (SQ. kM)
LICENSED GRADE B 678,123 25,857
ASSUMED GRADE B 358,573 12,160
EXHIBIT E-1
LICENSED AND ASSUMED
NTSC GRADE B CONTOURS
FOR
WBOY-TV, CLARKSBURG, WEST VIRGINIA
JULY 2006
0 10 20 30
Kilometers
CREATED WITH MAPTITUDE(r) GIS FOR WINDOWS FROM CALIPER CORPORATION